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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,587	04/12/2004	Michael P. Schoemann	LEAR 04692 PUS (04692)	3554

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EXAMINER

BLANKENSHIP, GREGORY A

ART UNIT PAPER NUMBER

3612

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,587

Applicant(s)

SCHOEMANN ET AL.

Examiner

Greg Blankenship

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-20 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 10-15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/12/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “second and third seals have a similar configuration and are connected by the first seal” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim is not clearly understood and is believed to be incorrect. The drawings and the detailed description describe the first and third seals (62,64) as having a similar configuration and being connected by the second seal (60). However, the sentence beginning on line 8 of page 2 supports the claim that the second and third seals have a similar configuration and may be connected by the first seal. Clarification is required. The examiner has read the claim as "the first and third seals have similar configuration and are connected by the second seal".

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Walding (5,853,030).

Walding discloses a duct (14) that is capable of being mounted on a vehicle's mounting surface. The duct (14) has an opening at each end (14a,14b). One opening is capable of receiving pressurized air. The duct (14) has a duct portion located between the two openings that is capable of channeling pressurized air. A seal (52) has a portion that forms a first seal proximate an opening. The seal (52) has a second seal that extends along each side of the duct between the ends (14a,14b). The first seal and the second seal are formed integrally together of a common material. The seals are capable of preventing leaks. In

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reference to claims 2 and 3, seal (52) has a third seal that is proximate an opening at one end (14a,14b) of the duct.. In reference to claim 4, the first and third seals have a similar configuration and are connected by the second seal. In reference to claim 6, the air duct (14) has a mating surface (14c) that is capable of engaging a surface. The second seal is disposed on the mating surface (14c). In reference to claim 7, the mating surface (14c) has a groove (14g) that receives the second seal. In reference to claim 8, a portion of the first seal is shown disposed on the mating surface (14c) in Figure 2. In reference to claim 9, the element (12) meets the claim limitations of the interior trim panel in that it has apertures that are capable of providing ingress/egress, a first surface (the curved surface) that is capable of facing toward an interior of a vehicle, and a second surface (12d) that is opposite the first surface and attached to the air duct (14).

3. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wells et al. (4,111,234).

Wells et al. disclose a duct (13) that is capable of being mounted on a vehicle's mounting surface. The duct (13) has an opening at each end (17). One opening is capable of receiving pressurized air. The duct (13) has a duct portion located between the two openings that is capable of channeling pressurized air. A seal (15) has a portion that forms a first seal (19) proximate an opening. The seal (15) has a second seal (22) that extends along each side of the duct between the ends (17). The first seal (19) and the second seal (22) are formed integrally together of a common material. The seals (19,22) are capable of preventing leaks. In reference to claims 2 and 3, seal (15) has a third seal (18) that is proximate an opening at the other end (17) of the duct.. In reference to claim 4, the first and third seals (19) have a similar configuration and are connected by the second seal (22). In reference to claim 5, the

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first seal (19) is shown to be thicker than the second seal (22) as seen in Figure 2. In reference to claim 6, the air duct (13) has a mating surface (20) that is capable of engaging a surface. The second seal (22) is disposed on the mating surface (20). In reference to claim 7, the mating surface (20) has a groove (21) that receives the second seal (22). In reference to claim 8, a portion (23) of the first seal (19) is shown disposed on the mating surface (20) in Figure 2. In reference to claim 9, the element (14) meets the claim limitations of the interior trim panel in that it has apertures at its ends (29) that are capable of providing ingress/egress, a first surface (the curved surface) that is capable of facing toward an interior of a vehicle, and a second surface that is opposite the first surface and attached to the air duct (13) as shown in Figures 3-5.

Allowable Subject Matter

4. Claims 10-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 16-20 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: the primary reason for indicating allowable subject matter of claim 16 is the trim panel having inlet and outlet apertures that extend through both the first and second surfaces, which is not found in a usable combination with the claimed air duct in the prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656. The examiner can normally be reached on 7-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gab
August 22, 2005



PATRICIA L. ENGLE
PRIMARY EXAMINER

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8-24-05